

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PATRICK O. FRANKLIN, SR.,

1:05-cv-00524-REC-SMS-P

Plaintiff,

vs.

CALIFORNIA CORRECTIONAL  
INSTITUTION, et al.,

Defendants.

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS (Doc. 14),  
DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO OBEY  
THE COURT'S ORDER AND FAILURE  
TO STATE A CLAIM UPON WHICH  
RELIEF MAY BE GRANTED (Docs. 1  
and 13) AND DIRECTING CLERK TO  
ENTER JUDGMENT FOR DEFENDANTS**

Plaintiff Patrick O. Franklin, Sr. ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On April 17, 2006, the Magistrate Judge filed a Findings and Recommendations herein which was served on plaintiff and which contained notice to plaintiff that an objection to the Findings

1 and Recommendations, if any, was to be filed within twenty days.  
2 To date, plaintiff has not filed objections to the Magistrate  
3 Judge's Findings and Recommendations.

4 In accordance with the provisions of 28 U.S.C. §  
5 636(b) (1) (C) and Local Rule 73-305, this Court has conducted a de  
6 novo review of this case. Having carefully reviewed the entire  
7 file, the Court finds the Findings and Recommendations to be  
8 supported by the record and by proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The Findings and Recommendations, filed April 17, 2006,  
11 is ADOPTED IN FULL;

12 2. This action is DISMISSED, with prejudice, for  
13 plaintiff's failure to obey the court's order of February 28,  
14 2006, and for failure to state a claim upon which relief may be  
15 granted, and the dismissal shall count as a strike under 28  
16 U.S.C. § 1915(g); and

17 3. The Clerk of the Court is directed to enter judgment  
18 for defendants.

19 IT IS SO ORDERED.

20 Dated: May 10, 2006  
668554

/s/ Robert E. Coyle  
UNITED STATES DISTRICT JUDGE